

REMARKS

A. Introduction

Claims 1-7 and 9-12 were pending and under consideration in the application. Claim 8 was previously cancelled.

In the Office Action mailed May 18, 2010, claims 1-7 and 9-12 were rejected.

With this amendment, claims 1, 2, 4, 7, 9, 11 and 12 are amended.

B. Rejections under 35 U.S.C. §103(a)

Claims 1-2, 4-6 and 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap et al.*, U.S. 6,111,506 (hereinafter "*Yap*"), in view of *Kono et al.*, U.S. 6,813,010 B2, (hereinafter "*Kono*") and in further view of *Bridgelall* (U.S. Pat. No. 6,672,512) (hereinafter "*Bridgelall*").

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, *Bridgelall* and further in view of *Benhammou et al.*, U.S. 2004/0059925 A1, (hereinafter "*Benhammou*").

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, *Bridgelall* and further in view of *Endoh et al.*, U.S. 2004/0022421 A1, (hereinafter "*Endoh*") and *Nick Bromer*, U.S. 6,476,715 B1 (hereinafter "*Bromer*").

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Endoh* and *Jerome H. Lemelson*, U.S. 4,189,712 (hereinafter "*Lemelson*").

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Bromer*.

Applicant respectfully traverses all of these rejections.

In relevant part, independent claims 1, 2 and 9 now recite an authentication device that mutually authenticates a device storing biological information via a device in communication with the device storing biological information and a management server where the device storing biological data and a device that performs biological authentication exchange encryption data if the mutual authentication is successful.

In the Office Action of August 23, 2010, the Examiner correctly asserts that *Yap* and *Brigdelall* fail to disclose performing mutual authentication between a management server and a device storing biological identification information. See, Office Action of August 23, 2010 at Page 13.

Kono fails to cure this deficiency. Instead, *Kono* discloses authenticating an image gathered by a hand scanner by matching an image of the user's hand generated by the hand scanner with images stored in a database. See, U.S. Pat. No. 6,813,010, Col. 5, l. 11-27. This cannot be fairly viewed an authentication device that mutually authenticates a device storing biological information and a management server where the device storing biological data and a device that performs biological authentication exchange encryption data if the mutual authentication is successful because *Kono* merely discloses authenticating an image and not a device. As one having ordinary skill in the art would recognize, authenticating an image is not synonymous with mutual authentication of two devices.

Benhammou also fails to cure this deficiency. Instead, *Benhammou* discloses a card reader and a smart card where the smart card and card reader authenticate each other before performing a read/write operation. See, U.S. Pat. Pub. No. 2004/0059925, para. [0008]. This cannot be fairly viewed as disclosing an authentication device that mutually authenticates a device storing biological information via a device in communication with the device storing biological information and a management server where the device storing biological data and a device that performs biological authentication exchange encryption data if the mutual authentication is successful because *Benhammou* merely performing mutual authentication between two devices without disclosing any authentication device, device in communication with the smart card or management server.

The combination of *Kono* and *Benhammou* would not produce an authentication device that mutually authenticates a device storing biological information via a device in communication with the device storing biological information and a management server where the device storing biological data and a device that performs biological authentication exchange encryption data if the mutual authentication is successful. *Kono* discloses a system where a hand scanner generates an image of a hand and sends the image to a server for authentication of the hand image without disclosing any authentication of a device. See, U.S. Pat. No. 6,813,010, Col. 5, l. 11-27.

Benhammou merely discloses performing dual authentication between a card reader and a smart card without disclosing any authentication device, network or management server. See, U.S. Pat. Pub. No. 2004/0059925, para. [0008]. Accordingly, *Kono* is directed at authenticating an image sent, not a device, from a hand scanner where a scanner communicates directly with a database without authentication and *Benhammou* discloses a card reader and smart card performing local authentication without any authentication from a management server. Further, none of the references disclose an authentication device.

As the Applicant's specification discloses, by providing an authentication device that mutually authenticates a device storing biological information via a device in communication with the device storing biological information and a management server where the device storing biological data and a device that performs biological authentication exchange encryption data if the mutual authentication is successful, the use of fraudulent biological information is prevented. See, U.S. Pat. Pub. No. 2008/0191839, Para. [105].

Endoh, Bromer, Lemelson fail to disclose anything pertaining to an authentication device or performing mutual authentication between devices over a network.

Therefore, because Yep, Kono, Benhammou, Endoh, Bromer, Lemelson and any possible combination of them fail to disclose or even fairly suggest every limitation of claims 1, 2 and 9, the rejection of claims 1, 2 and 9 cannot stand. Because claims 3-7 and 10-12 depend, either directly or indirectly, from claims 1, 2 and 9, they are allowable for at least the same reasons.

C. Conclusion

In view of the foregoing, it is submitted that claims 1-7 and 9-12 are allowable and early notice to that effect is respectfully requested.

If the Examiner believes that, for any reason, direct contact with Applicants' attorney would help advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below, for purposes of arranging for a telephonic interview. Any communication initiated by this paragraph should be deemed an Applicant-Initiated Interview.

If any further fees are required in connection with the filing of this amendment, please charge the same to out Deposit Account No. 19-3140.

Respectfully submitted,
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